HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 13460 of 2007

Dated 30th July 2007

Between:

I.Sriramulu,
Gandhi Nagar,
Dhone, Kurnool Dist.

……Petitioner.

and

The Regional Controller of Mines,
Indian Bureau of Mines, Kendriya Sadan,
I Floor, Sultan Bazar, Koti,
Hyderabad and others.

……..Respondents.

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 13460 of 2007

ORDER:

This Writ Petition is filed seeking a declaration that the proceedings of the 1st respondent dated 1.6.2006 under which the petitioner's request for approval of the scheme of Mining under Rule 12 (4) of the Mineral Conservation and Development Rules, 1988 was rejected by observing as under:-

> *"The Scheme of Mining submitted for the subject area was examined in our office and certain deficiencies were pointed out vide this office letter of even number dated 27.4.2006 advising you to modify the draft scheme of mining and submit the fair copies. On examining the fair copies, it was observed that the deficiencies were not attended satisfactorily. All the more, you were advised to furnish financial assurance to the tune of Rs.1,00,000/- (Rupees One Lakh only), which was not submitted. Hence, the deficiencies in the Scheme of mining remain unattended and Scheme of Mining is not found fir for approval in the present form as such". Hence, the Rule 12 stands violated."*

Though, various grounds have been raised by the petitioner assailing the impugned order, it is to be noted that after filing this writ petition, the petitioner has requested the authorities to allow him to exercise Option (*b*) of Rule 23 F (2) by furnishing performance surety bond. It is stated that along with letter dated 7.7.2007, the petitioner has also sent a performance surety bond, which was received by the 1st respondent on 11.7.2007.

Having regard to the subsequent events, it is not necessary for this Court to express any opinion as to the correctness of the impugned order dated 1.6.2006. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the application of the petitioner dated 7.7.2007 and pass appropriate orders in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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(G.ROHINI, J)

Dated:30th July 2007
Note:Issue CC in Three Days.
(B/O)
mrb